APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,087	11/28/2001	Dave Draper	FR920000043US1	2497

			EXAMINER	
7590	09/19/2005		NGUYEN, THUONG	

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/996,087	DRAPER ET AL.
	Examiner	Art Unit	
	Thuong T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*28 November 2001*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*20*</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-20*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to application 09/996,087 filed 11/28/01. Claims

1-20 are pending and represent method, system and apparatus for associating

multi-lingual audio recordings with objects in Internet presentation.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Regarding claim 1, 10, and 15, the phrase "such as" renders the claim

indefinite because it is unclear whether the limitations following the phrase are

part of the claimed invention. See MPEP § 2173.05(d).

4.   Regarding claim 1, 10, and 15, the phrase "and/or" renders the claim(s)

indefinite because the claim(s) include(s) elements not actually disclosed (those

encompassed by "and/or"), thereby rendering the scope of the claim(s)

unascertainable. See MPEP § 2173.05(d).

5.   Claim 3 recites the limitation "this one" in claim 1. There is insufficient

antecedent basis for this limitation in the claim.

6.   Claim 9 recites the limitation "which is set" in claim 8. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claim 1-2, 4-7, 10-12, 15, 18-20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Barry, PCT Patent No. WO 0038394 in view of

Hirohama et al., US. Patent No. 5,797,125.

Barry teaches the invention substantially as claimed including web-page

audio message system and method (see abstract).

As to claim 1, Barry teaches a system, comprising:

calling said third party server by a user in charge of the audio recording

associated with a visual object via the Public Switched Network (page 3, lines 31

– page 4, lines 2; page 10, lines 30-32; Barry discloses that a system

communicates through the switched telephone network, which records audio

information and stores in the telephony native format),

prompting said user on said user's telephone to enter said user's user ID

(page 7, line 10; page 8, lines 31-34; Barry discloses that a system which prompt

to enter the PIN for the unique identification associated with the caller to retrieved

the database/file server);

transmitting by a keypad of said telephone said user ID (page 8, lines 3-9;

Barry discloses that a system which loads the received audio message into the

interface card)

But Barry fails to teach the limitation wherein a first part of user ID defining

a first language to be used for recording said audio recording, whereby

displaying of said visual object by said workstation is automatically synchronized with said audio recording.

However, Hirohama teaches a voice guide systems including portable terminal units and control center having write processor (see abstract). Hirohama teaches the limitation wherein a first part of user ID defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (col 3, lines 42-46; Hirohama discloses that a system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

9.   As to claim 2, Barry teaches the system as recited in claim 1. Barry teaches assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID (page 7, lines 15-23; Barry discloses that a system which have the audio buttons or messages associated with the caller). But Barry fails to teach the limitation comprising the step of entering a number assigned to said visual object associated with said audio recording.

However, Hirohama teaches the limitation comprising the step of entering a number assigned to said visual object associated with said audio recording (col

3, lines 1-6; Hirohama discloses that a system which provided with identification code transmitting units which installed respectively to the predetermine language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system so that the user could select the associated number of audio recording. One would be motivated to do so to allow the user transmit the user ID that identified the audio recording.

10.   As to claim 4, Barry teaches the system as recited in claim 3. Barry fails to teach the system wherein said user ID includes a second part defining a directory name wherein the file containing said audio recording is stored.

However, Hirohama teaches the limitation wherein said user ID includes a second part defining a directory name wherein the file containing said audio recording is stored (col 2, lines 34-39; Hirohama discloses that a system have more than one identification code transmitting unit for particular address information, booth number, and associated language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could define a directory name. One would be motivated to do so to allow the user to select the storage of the audio recording.

11.   As to claim 5, Barry teaches the system as recited in claim 4. Barry fails to teach the system comprising the step of generating by said third party server a

first file name including said directory name and a code defining said first

language when ID is received by said third party server.

However, Hirohama teaches the limitation comprising the step of

generating by said third party server a first file name including said directory

name and a code defining said first language when ID is received by said third

party server (col 3, lines 20-23; Hirohama discloses that a system which provided

the information for the corresponding booths and languages).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could define

the language which corresponding with the directory. One would be motivated to

do so to allow the user to choose the directory and the language code.

12.   As to claim 6, Barry teaches the system as recited in claim 5. Barry fails

to teaches the limitation wherein said audio recording in said first language is

stored in a data base by using said first file name.

However, Hirohama teaches the limitation wherein said audio recording in

said first language is stored in a data base by using said first file name (col 2,

lines 13-20; Hirohama discloses that a system provided with a storage means for

storing specific pieces of guide information for more than one languages).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could

provide the user with multiple language selection. One would be motivated to do

so to improve the system with multiple audio languages recording.

13.   As to claim 7, Barry teaches the system as recited in claim 6. Barry fails

to teaches the limitation comprising the steps of transmitting from said telephone

another ID containing a first part defining a second language to be used for

recording said audio recording and a second part defining said directory name,

and generating by said third party server another file name including said

directory name and a code defining said second language.

However, Hirohama teaches the limitation comprising the steps of

transmitting from said telephone another ID containing a first part defining a

second language to be used for recording said audio recording and a second

part defining said directory name, and generating by said third party server

another file name including said directory name and a code defining said second

language (col 3, lines 1-28; Hirohama discloses that a system which identify the

transmitting code for storage unit corresponding to the pre-selected language).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could

generate the ID, which identifies the corresponding languages. One would be

motivated to do so to provide a multiple languages selection to the user.

14.   As to claim 10, Barry teaches a system, comprising:

a third party server including processing means for receiving a user ID

from a user telephone (page 7, line 10; page 8, lines 31-34; Barry discloses that

a system which prompt to enter the PIN for the unique identification associated

with the caller to retrieved the database/file server);

But Barry fails to teach the limitation wherein said user ID comprising a first part defining a first language to be used for recording said audio recording whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording.

However, Hirohama teaches a voice guide systems including portable terminal units and control center having write processor (see abstract). Hirohama teaches the limitation wherein said user ID comprising a first part defining a first language to be used for recording said audio recording whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (col 3, lines 42-46; Hirohama discloses that a system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

15.   As to claim 11, Barry teaches the system as recited in claim 10. Barry fails to teaches the limitation wherein said third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID.

However, Hirohama teaches the limitation wherein said third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID (col 2, lines 24-31; Hirohama

discloses that a system which configured the guide for languages storage

information used for audio recording).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system would have

an option to choose the desired language. One would be motivated to do so to

provide the customer with variety language selection.

16.   As to claim 12, Barry teaches the system as recited in claim 11. Barry

fails to teach the system wherein said user ID includes a second part defining a

directory name, wherein the file containing said audio recording is stored, and

further comprising a directory to store said audio recording at a location

determined by said directory name.

However, Hirohama teaches the limitation wherein said user ID includes a

second part defining a directory name, wherein the file containing said audio

recording is stored, and further comprising a directory to store said audio

recording at a location determined by said directory name (col 2, lines 34-39;

Hirohama discloses that a system have more than one identification code

transmitting unit for particular address information, booth number, and associated

language).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could define

a directory name. One would be motivated to do so to allow the user to select

the storage of the audio recording.

17.   As to claim 15, Barry teaches a system, comprising:

means for calling said third party server by a user in charge of the audio

recording associated with a visual object via the Public Switched Network (page

3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that a system

communicates through the switched telephone network, which records audio

information and stores in the telephony native format),

means for prompting said user on said user's telephone to enter said

user's user ID (page 7, line 10; page 8, lines 31-34; Barry discloses that a system

which prompt to enter the PIN for the unique identification associated with the

caller to retrieved the database/file server);

means for transmitting by a keypad of said telephone said user ID (page

8, lines 3-9; page 7, lines 15-23; Barry discloses that a system which loads and

received audio message into the interface card)

But Barry fails to teach the limitation wherein a first part of user ID first part

defining a first language to be used for recording said audio recording, whereby

displaying of said visual object by said workstation is automatically synchronized

with said audio recording.

However, Hirohama teaches a voice guide systems including portable

terminal units and control center having write processor (see abstract).

Hirohama teaches the limitation wherein a first part of user ID first part defining a

first language to be used for recording said audio recording, whereby displaying

of said visual object by said workstation is automatically synchronized with said

audio recording (col 3, lines 42-46 and lines 43-51; Hirohama discloses that a

system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

18.   As to claim 18, Barry teaches the system as recited in claim 17. Barry fails to teach the limitation comprising means for generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server.

However, Hirohama teaches the limitation comprising means for generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server (col 3, lines 1-28; Hirohama discloses that a system which identify the transmitting code for storage unit corresponding to the pre-selected language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could generate the ID, which identifies the corresponding languages. One would be motivated to do so to provide a multiple languages selection to the user.

19.   As to claim 19, Barry teaches the system as recited in claim 1. Barry fails to teach the limitation wherein a computer usable medium having computer

readable program code means embodied therein for causing association of multi-

lingual audio recordings with visual objects.

However, Hirohama teaches the limitation wherein a computer usable

medium having computer readable program code means embodied therein for

causing association of multi-lingual audio recordings with visual objects (col 4,

lines 1-15; Hirohama discloses that a system which provided the selected booths

with the corresponding languages).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could have

an option of choosing the desired language. One would be motivated to do so to

improve the system by having variety choices.

20.   As to claim 20, Barry teaches the system as recited in claim 10. Barry

fails to teach the limitation wherein a computer usable medium having computer

readable program code means embodied therein for causing association of multi-

lingual audio recordings with visual objects.

However, Hirohama teaches the limitation wherein a computer usable

medium having computer readable program code means embodied therein for

causing association of multi-lingual audio recordings with visual objects (col 4,

lines 1-15; Hirohama discloses that a system which provided the selected booths

with the corresponding languages).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Barry in view of Hirohama so that the system could have

an option of choosing the desired language. One would be motivated to do so to improve the system by having variety choices.

21.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, PCT Patent No. WO 0038394 in view of Freishtat et al., US. Patent No. 5,945,989.

Barry teaches the invention substantially as claimed including web-page audio message system and method (see abstract).

As to claim 3, Barry teaches a system as recited in claim 6. Barry fails to teach the limitation comprising the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone.

However, Freishtat teaches a method and apparatus for adding and altering content on website (see abstract). Hirohama teaches the limitation comprising the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone (col 5, lines 5-10; Freishtat discloses that a system which copying and editing the subroutines of audio recorded messages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could record

and copy the corresponding file and directory name. One would be motivated to

do so to allow the user to copy the audio recording to file.

Claim Rejections - 35 USC § 102

22.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23.   Claim 3, 9, 13-14, 16-17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Barry, PCT Patent No. WO0038394.

Barry teaches the invention as claimed including web-page audio

message system and method (see abstract).

As to claim 3, Barry teaches the system as recited in claim 1, comprising

the step of transmitting a password by the user at said telephone after this one

has transmitted said user ID (page 9, lines 30-33; Barry discloses that a system

which transmitted the PIN, verify the user).

24.   As to claim 9, Barry teaches the system as recited in claim 8, wherein the

file containing said audio recording includes a flag which is set when said audio

recording is recorded for the first time or changed and which is reset when said

file is copied from said data base to said directory (page 5, lines 4-7; Barry

discloses that a system which identify the audio message through the web-page
button that correlate to each other).

25.   As to claim 13, Barry teaches the system as recited in claim 11, comprises
a table for determining said language to be used for recording said audio
recording from said first part in said user ID (page 4, lines 1-7; Barry discloses
that the system which stores the audio record in the database/file server in the
telephone native format).

26.   As to claim 14, Barry teaches the system as recited in claim 14, wherein
said user ID includes a second part defining a directory name, wherein the file
containing said audio recording is stored, and further comprising a directory to
store said audio recording at a location determined by said directory name (page
5, lines 4-7; Barry discloses that a system which retrieve the audio message from
the database/file server by clicking the corresponding button).

27.   As to claim 16, Barry teaches the system as recited in claim 15,
comprising means for entering a number assigned to said visual object
associated with said audio recording by the user at said telephone after said user
has transmitted said user ID (page 10, lines 12-15; Barry discloses that a system
which display the HTML code places on the button web-pages which associated
with corresponding audio message).

28.   As to claim 17, Barry teaches the system as recited in claim 15,
comprising the step of transmitting a password by the user at said telephone
after this one has transmitted said user ID (page 9, lines 30-33; Barry discloses
that a system which transmitted the PIN, verify the user).
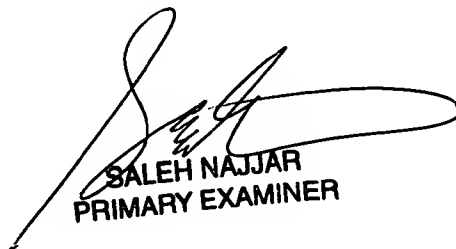
Contact Information

29.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is (571) 272-3864. The examiner can normally be reached on Monday thru Friday, 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll-free).

SALEH NAJJAR
PRIMARY EXAMINER

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Patent Examiner/ Art Unit 2155